

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA

CHARLES W. TILFORD,
an individual,
Plaintiff,
v.
STAGE STORES, INC.,
a foreign for profit
business corporation,
Defendant.

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Case No. CIV-13-031-KEW

OPINION AND ORDER

This matter comes before the Court on Defendant's Motion to Compel Arbitration and Stay Proceedings filed February 28, 2013 (Docket Entry #9). On January 18, 2013, Plaintiff commenced this action alleging that Defendant, his former employer, discriminated against him in violation of the Americans with Disabilities Act and the Oklahoma anti-discrimination statutes. Defendant has countered that Plaintiff signed an arbitration agreement as a term of his employment and that this dispute should be submitted to arbitration before proceeding in federal court. In his response, Plaintiff concedes that the arbitration agreement prevails and that this matter should be submitted to arbitration. Both parties request that this case be stayed pending the outcome of arbitration.

The Federal Arbitration Act provides for a stay in the event one of the affected parties requests a stay and the matter is to be submitted to arbitration. 9 U.S.C. § 3. Indeed, the Tenth Circuit endorses the use of a stay rather than a dismissal in cases such as

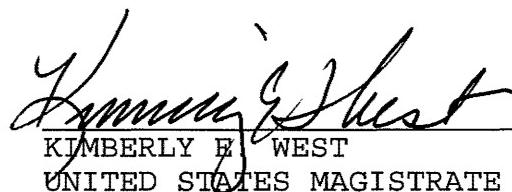
this. See, Adair Bus Sales, Inc. v. Blue Bird Corp., 25 F.3d 953, 955 (10th Cir. 1994). As a result, this case will be stayed pending notification of either the resolution of this case and/or the conclusion of the arbitration proceedings.

IT IS THEREFORE ORDERED that Defendant's Motion to Compel Arbitration and Stay Proceedings filed February 28, 2013 (Docket Entry #9) is hereby **GRANTED**. The parties are directed to submit the claims asserted in the Complaint to binding arbitration in accordance with the agreement of the parties.

IT IS FURTHER ORDERED that this case is hereby **STAYED** and the Clerk shall administratively close this case, pending further order of this Court. The parties shall file a Status Report addressing the progress of the arbitration of Plaintiff's claims and any advance toward resolution accomplished by the parties no later than **SEPTEMBER 20, 2013**, or earlier if events warrant.

IT IS FURTHER ORDERED that the Scheduling Conference currently set for March 28, 2013 at 1:30 p.m. is hereby **STRICKEN**.

IT IS SO ORDERED this 20th day of March, 2013.



KIMBERLY E. WEST
UNITED STATES MAGISTRATE JUDGE